

HUNTING, FISHING, AND BOATING OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED

(on execution of written waiver of appearance and trial, and plea of guilty/responsible)

(Adopted by the Conference of Chief District Court Judges, October 9, 2009, pursuant to N.C.G.S. 7A-148)

NOTE: *The statute or regulation defining the elements of the offense is cited immediately after the description of the offense, and the statutory authority for the regulation is given in brackets.*

Applies To Offenses Committed On Or After December 1, 2009

1. Taking a wild animal or bird without a license:
By resident. G.S. 113-270.2(a), 113-270.1B\$ 35 and Costs
By nonresident. G.S. 113-270.2(a), 113-270.1B\$100 and Costs
2. Hunting or trapping on game lands without a game land license. G.S. 113-270.3(a) and (b)(1)\$ 35 and Costs
3. Taking a wild animal or bird on game lands during closed hunting seasons or closed days.
15A NCAC 10D .0103(d) and (e). [G.S. 113-264(a)]\$ 35 and Costs
4. Taking big game without a big game hunting license. G.S. 113-270.3(a) and (b)(1)\$ 35 and Costs
5. Taking migratory waterfowl without State migratory waterfowl hunting license. G.S. 113-270.3(b)(5)\$ 35 and Costs
6. Carrying axes or saws when hunting raccoon or opossum. 15A NCAC 10B .0111(a).
[G.S. 113-291.1(c)]\$ 35 and Costs
7. Carrying firearms, axes, saws or climbing irons while training or running dogs during closed season
except as allowed by regulation during authorized field trials.
15A NCAC 10B .0114(d). [G.S. 113-291.1(c)]\$ 35 and Costs
8. Taking a migratory game bird with the use of an unplugged or improperly plugged shotgun or
with the use of lead or toxic shot. 15A NCAC 10B .0105(b). [G.S. 113-291.1(f)]\$ 35 and Costs
9. Intentionally shining light on or in search of deer at night in area covered by regulations.
15A NCAC 10B .0115(b) and (c). [G.S. 113-291.1(e1) and (e2)]\$ 35 and Costs
10. Failing to validate big game harvest report card. 15A NCAC 10B .0113. [G.S. 113-270.3(c)]\$ 35 and Costs
11. Failing to report big game kill. 15A NCAC 10B .0113. [G.S. 113-270.3(c)]\$ 35 and Costs
12. Engaging in a regulated activity without the appropriate administrative license or permit.
G.S. 113-272.5, 113-274\$ 35 and Costs
13. Setting trap without metal name tag attached. G.S. 113-291.6(b)\$ 50 and Costs
14. Failure to wear hunter orange while hunting big game with firearms. G.S. 113-291.8\$ 25
15. Littering game land or access areas. 15A NCAC 10D .0102(b) and 10E .0004(c). [G.S. 113-264(a)]\$ 100 and Costs
16. Recreational fishing without a valid license in violation of G.S. 113-174.1\$ 35 and Costs
17. Hunting or fishing on registered property without a permit. G.S. 113-285\$ 35 and Costs
18. Fishing by hook and line in inland fishing waters without a license:
By resident. G.S. 113-271(a), 113-270.1B\$ 35 and Costs
By nonresident. G.S. 113-271(a), 113-270.1B\$ 75 and Costs
19. Fishing in managed waters on game lands without a game land license.
G.S. 113-270.3(a) and (b)(3)\$ 35 and Costs
20. Fishing in public mountain trout waters without a special trout license:
By resident. G.S. 113-272(a)\$ 35 and Costs
By nonresident. G.S. 113-272(a)\$ 75 and Costs
21. Possessing fewer than five undersize fish or possessing three fish or fewer over the creel limit.
15A NCAC 10C .0304 and .0305. [G.S. 113-292(a)(3)]\$ 50 and Costs

(over)

22. Fishing in inland fishing waters with a special device without a special device license:
 By resident. G.S. 113-272.2(a) and (c)(1)\$ 35 and Costs
 By nonresident. G.S. 113-272.2(a) and (c)(2)\$100 and Costs
23. Using live bait while fishing with trotline or set hook in inland fishing waters, or failing to mark trotline or set hook with the name and address of the user.
 15A NCAC 10C .0206. [G.S. 113-292(a)(1)]\$ 35 and Costs
24. Failing to return inland game fish immediately to the water unharmed when taken incidentally to commercial fishing operations or with licensed special device.
 15A NCAC 10C .0302. [G.S. 113-292(a)(1) and (b)(2)]\$ 35 and Costs
25. Unlawful taking of fish in inland waters by method other than hook-and-line, except taking by poison, electricity, explosives, or drugs. 15A NCAC 10C .0213, .0302 and .0401. [G.S. 113-292(a)(1)].....\$ 35 and Costs
26. Leaving any vehicle, boat, or other object on boating access to impede use of area.
 15A NCAC 10E .0104(a). [G.S. 113-264(a)].....\$ 35 and Costs
27. Parking in no-parking zone in boating access area. 15A NCAC 10E .0104(a). [G.S. 113-135.1(a)(2)]\$ 50 and Costs
28. Using a boating access area for purpose other than the launching of boats and parking vehicles.
 15A NCAC 10E .0104(e). [G.S. 113-264(a)].....\$ 50 and Costs
29. Committing any other fishing or hunting offense that is solely a violation of the rules of the Wildlife Resources Commission and not excepted under G.S. 113-135.1(b). G.S. 113-134, G.S. 131-135.1(a), or 113-264\$ 10 and Costs
30. Vessel numbering offenses under G.S. 75A-4, except for cases in which certificate is procured by fraud.\$ 35 and Costs
31. Vessel lighting or equipment violations. [G.S. 75A-6 and 75A-6.1, as modified by 15A NCAC 10F .0201]\$ 35 and Costs
32. Operating vessel at greater than no-wake speed in violation of rules of the Wildlife Resources Commission. 15A NCAC 10F .0300 and 10E .0004(d). [G.S. 75A-15, 113-264(a)]\$ 35 and Costs
33. Towing a person on water skis, surfboard or similar device without an additional person to observe, without the person being towed wearing a life preserver, and without the boat being equipped with a rearview mirror. G.S. 75A-13(a)\$ 35 and Costs
34. Operating a personal watercraft between sunset and sunrise; or without wearing an approved personal flotation device; or without attaching a lanyard-type engine cut-off; or at greater than no-wake speed near vessels, docks, etc.; or while violating towing requirements. G.S. 75A-13.3(a), (a1), (d) and (d1)\$ 35 and Costs
35. Operating a vessel with a motor of 10 horsepower or greater without having met the requirements for boating safety education. G.S. 75A-16.2.....Costs
36. Fishing in designated trout waters during the closed season or possessing three or fewer mountain trout during the closed season. 15A NCAC 10C .0205 and .0305. [G.S. 113-292(a)]\$ 35 and Costs
37. Intentional or reckless littering under G.S. 14-399(c).....\$250 and Costs
38. Unintentional littering under G.S. 14-399(c1).\$ 50 and Costs

OTHER POLICIES RELATING TO HUNTING, FISHING, AND BOATING OFFENSES:

1. G.S. 7A-148 provides that the Conference of Chief District Court Judges shall prepare a “uniform schedule” of waivable hunting and fishing offenses under G.S. Chapter 113 and waivable boating offenses under G.S. Chapter 75A and shall otherwise promote the “uniform administration of justice.” In accordance with this statutory mandate, all judicial districts must adhere to this schedule, and individual judicial district policies deviating from this schedule are prohibited.
2. When a defendant is charged with two offenses arising out of the same transaction and both are waivable under this schedule, they should be charged on the same citation. If additional waivable offenses are charged, a separate citation should be used for each two additional offenses.
3. When two charges are made on a citation, the defendant shall be fined only for the offense carrying the highest fine, and only one bill of costs will be assessed.
4. When a defendant is charged on the same citation with an offense waivable under this schedule and one that is not waivable, the defendant must appear in court to answer both the waivable and non-waivable charge.
5. This schedule does not apply if: (a) based on the facts of the case, replacement costs may be assessed against the defendant if he/she is determined to be guilty; or (b) a previous conviction of the conservation laws within the last year is alleged so as to make the offense punishable under G.S. 113-135(a)(2); or (c) the defendant is charged with a violation of the boating laws set out in G.S. Chapter 75A and the defendant has been convicted of a violation of G.S. Chapter 75A within the last three years.
6. This schedule does not apply to littering charges under G.S. 14-399(c) or (c1), if the defendant is charged with a second offense under the subsection.